

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

Daryll Lucas,

Plaintiff,

V.

Lacinda Elgan, et al.,

Defendants.

Case No. 2:23-cv-01688-ART-BNW

ORDER

11 This Court originally gave Plaintiff until October 22, 2024, to serve Defendants. ECF No.
12 14. To date, Plaintiff has still not served Defendant Elgan despite numerous extensions of time to
13 do so. ECF Nos. 29 and 41. This Court has directed the U.S. Marshals to attempt service on
14 Defendant Elgan three times now. ECF No. 14, 29, 43. And, it has notified Plaintiff, several
15 times, that Defendant Elgan has not been served. ECF Nos. 51 and 53.

Under Federal Rule of Civil Procedure 4(m), if the defendant is not served within 90 days after the complaint is filed, the court, on motion or on its own after notice to the plaintiff, must dismiss an action without prejudice against a defendant or order that service be made within a specified time. However, “if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” Fed. R. Civ. P. 4(m). In the absence of good cause, the court has discretion to dismiss the case without prejudice or to extend the time for service. *In re Sheehan*, 253 F.3d 507, 512 (9th Cir. 2001). Plaintiff will have *one final opportunity* to serve Defendant Elgan. If Defendant Elgan is not served by July 30, 2025, this Court will recommend the case be dismissed.

25 **IT IS ORDERED** that the Clerk of Court: (1) issue a summons to Defendant Elgan; (2)
26 deliver the summons, one copy of the ECF No. 15 complaint, and this Order to the U.S. Marshal
27 to re-serve Defendant Elgan; and (3) mail Plaintiff one blank copy of Form USM-285. Once
28 Plaintiff receives the USM-285 form, Plaintiff must fill in an address for Defendant Elgan.

IT IS FURTHER ORDERED that Plaintiff has 21 days, until July 9, 2025, to send to the U.S. Marshal the required Form USM-285.

3 **IT IS FURTHER ORDERED** that the U.S. Marshal must, in accordance with Federal
4 Rule of Civil Procedure 4(c)(3), attempt service on Defendant Elgan no later than July 30, 2025.

6 DATED: June 18, 2025

BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE